

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1514

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to create and enact a new section to chapter 43-12.1, a new section to chapter 43-15, and a new section to chapter 43-17 of the North Dakota Century Code, relating to disciplinary actions by the board of nursing, board of pharmacy, and board of medicine; and to provide an effective date.

**BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

**SECTION 1.** A new section to chapter 43-12.1 of the North Dakota Century Code is created and enacted as follows:

**Limitations on disciplinary actions.**

The board may not take disciplinary action against an advanced practice registered nurse based solely on the advanced practice registered nurse prescribing or dispensing ivermectin for the off-label treatment or prevention of severe acute respiratory syndrome coronavirus 2 identified as SARS-CoV-2, or any mutation or viral fragments of SARS-CoV-2. This section does not limit the board from taking a disciplinary action on another basis, such as unlicensed practice, inappropriate documentation, or substandard care, or any basis that would in the board's determination harm the patient.

**SECTION 2.** A new section to chapter 43-15 of the North Dakota Century Code is created and enacted as follows:

**Limitations on disciplinary actions.**

The board may not take disciplinary action against a pharmacist based solely on the pharmacist dispensing ivermectin for the off-label treatment or prevention of severe acute respiratory syndrome coronavirus 2 identified as SARS-CoV-2, or any mutation or viral fragments of SARS-CoV-2. This section does not limit the board from taking a disciplinary action on another basis, such as unlicensed practice, inappropriate documentation, or substandard care, or any basis that would in the board's determination harm the patient.

**SECTION 3.** A new section to chapter 43-17 of the North Dakota Century Code is created and enacted as follows:

**Limitations on disciplinary actions.**

The board may not take disciplinary action against a licensee based solely on the licensee prescribing or dispensing ivermectin for the off-label treatment or prevention of severe acute respiratory syndrome coronavirus 2 identified as SARS-CoV-2, or any mutation or viral fragments of SARS-CoV-2. This section does not limit the board from taking a disciplinary action on another basis, such as unlicensed practice, inappropriate documentation, or substandard care, or any basis that would in the board's determination harm the patient.



**SECTION 4. EFFECTIVE DATE.** This Act becomes effective upon its filing with the secretary of state."

Renumber accordingly



Sixty-seventh  
Legislative Assembly  
of North Dakota

HOUSE BILL NO. 1514

Introduced by

Representatives Tveit, Fisher, Kasper, K. Koppelman, Paulson

Senators Clemens, O. Larsen, Luick

(Approved by the Delayed Bills Committee)

1 A BILL ~~for an Act to create and enact a new section to chapter 23-16, a new section to chapter~~  
2 ~~43-15, and a new section to chapter 43-17 of the North Dakota Century Code, relating to a~~  
3 ~~hospital patient's right to try off-label use drugs, a hospital ban on discrimination based on~~  
4 ~~vaccine status, pharmacist fulfillment of off-label drug use prescriptions, and the board of~~  
5 ~~medicine's authority to bring disciplinary actions; and to provide an effective date.~~ for an Act to  
6 create and enact a new section to chapter 43-12.1, a new section to chapter 43-15, and a new  
7 section to chapter 43-17 of the North Dakota Century Code, relating to disciplinary actions by  
8 the board of nursing, board of pharmacy, and board of medicine; and to provide an effective  
9 date.

10 BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

11 ~~SECTION 1. A new section to chapter 23-16 of the North Dakota Century Code is created~~  
12 ~~and enacted as follows:~~

13 ~~Right to try off-label use drugs - Ban on discrimination based on vaccine status.~~

14 ~~1. If a patient is prescribed a United States food and drug administration approved drug~~  
15 ~~for off-label use, a hospital shall honor that prescription.~~

16 ~~2. In providing health care, a hospital may not discriminate against a patient based on~~  
17 ~~that patient's vaccine status.~~

18 ~~SECTION 2. A new section to chapter 43-15 of the North Dakota Century Code is created~~  
19 ~~and enacted as follows:~~

20 ~~Off-label use.~~

21 ~~If a pharmacist receives a United States food and drug administration approved drug~~  
22 ~~prescription for the off-label treatment or prevention of a disease or medical condition, the~~  
23 ~~pharmacist may not refuse to dispense the drug based on the pharmacist's professional~~



~~judgment regarding the appropriateness of the prescription. This section does not prevent the pharmacist from contacting the prescriber regarding the prescription.~~

~~— **SECTION 3.** A new section to chapter 43-17 of the North Dakota Century Code is created and enacted as follows:~~

~~— **COVID-19 – Limitations on disciplinary actions.**~~

~~The board may not take disciplinary action against a licensee based on the licensee distributing documented medical information, providing information regarding the licensee's professional experience or observations, or speaking against a public official. The board may not bring a disciplinary action against a licensee based on the prescription of a drug for the off-label treatment or prevention of severe acute respiratory syndrome coronavirus 2 identified as SARS-CoV-2, or any mutation or viral fragments of SARS-CoV-2.~~

~~— **SECTION 4. EFFECTIVE DATE.** This Act becomes effective upon its filing with the secretary of state.~~

**SECTION 1.** A new section to chapter 43-12.1 of the North Dakota Century Code is created and enacted as follows:

**Limitations on disciplinary actions.**

The board may not take disciplinary action against an advanced practice registered nurse based solely on the advanced practice registered nurse prescribing or dispensing ivermectin for the off-label treatment or prevention of severe acute respiratory syndrome coronavirus 2 identified as SARS-CoV-2, or any mutation or viral fragments of SARS-CoV-2. This section does not limit the board from taking a disciplinary action on another basis, such as unlicensed practice, inappropriate documentation, or substandard care, or any basis that would in the board's determination harm the patient.

**SECTION 2.** A new section to chapter 43-15 of the North Dakota Century Code is created and enacted as follows:

**Limitations on disciplinary actions.**

The board may not take disciplinary action against a pharmacist based solely on the pharmacist dispensing ivermectin for the off-label treatment or prevention of severe acute respiratory syndrome coronavirus 2 identified as SARS-CoV-2, or any mutation or viral fragments of SARS-CoV-2. This section does not limit the board from taking a disciplinary action

1 on another basis, such as unlicensed practice, inappropriate documentation, or substandard  
2 care, or any basis that would in the board's determination harm the patient.

3 **SECTION 3.** A new section to chapter 43-17 of the North Dakota Century Code is created  
4 and enacted as follows:

5 **Limitations on disciplinary actions.**

6 The board may not take disciplinary action against a licensee based solely on the licensee  
7 prescribing or dispensing ivermectin for the off-label treatment or prevention of severe acute  
8 respiratory syndrome coronavirus 2 identified as SARS-CoV-2, or any mutation or viral  
9 fragments of SARS-CoV-2. This section does not limit the board from taking a disciplinary action  
10 on another basis, such as unlicensed practice, inappropriate documentation, or substandard  
11 care, or any basis that would in the board's determination harm the patient.

12 **SECTION 4. EFFECTIVE DATE.** This Act becomes effective upon its filing with the  
13 secretary of state.

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15-14  
11/11 pm